

**V. Any InterLATA Relief Afforded Bell Operating Companies
Should be Extremely Limited**

As the *NPRM* acknowledges, "sections 251(c) and 271 are cornerstones of the framework Congress established in the 1996 Act to open local markets to competition."¹³¹ Moreover, as the *NPRM* further acknowledges, "section 10(d) expressly forbids the Commission from forbearing from the requirements of sections 251(c) and 271 'until it determines that those requirements have been fully implemented'."¹³² Finally, although the Commission has the authority to "modify" LATA boundaries,¹³³ the *NPRM* recognizes that any "large-scale changes in LATA boundaries for packet-switched services" would "circumvent the procompetitive incentives for opening the local market to competition that Congress sought to achieve in enacting section 271 of the Act."¹³⁴

TRA, accordingly, urges the Commission to continue to seriously scrutinize the claimed need for any LATA boundary modifications, assessing the likely impact of any relief granted on a BOC's incentive to open its local markets to competition, as well as the potential for anticompetitive abuses by the BOC following the grant of such relief. Any relief granted should be as finely targeted and to the extent possible, limited to specific purposes. Thus, for example, if it can be shown with specificity that interLATA relief is necessary to provide advanced telecommunications services to a school district which straddles a LATA boundary, the relief

¹³¹ *Id.* at ¶ 73.

¹³² *Id.* at ¶ 72.

¹³³ 47 U.S.C. § 153(43)(B).

¹³⁴ *NPRM*, FCC 98-188 at ¶¶ 81 - 82.

granted should be limited to the provision of such services to the schools within the district and for no other purpose. The showing of need a BOC must make to justify interLATA relief should include documentation that the services would not otherwise be available from other suppliers. Claims by BOCs that they would provide better service or service at lower rates should be discounted. To the extent a demonstrated need ceases to exist - *i.e.* other sources of supply subsequently become available - the limited relief granted should be revoked

In evaluating requests for interLATA relief, it should always be borne in mind that the ability to secure full scale relief rests within the BOC's' power. Under Section 271, a BOC need only make the showing required under subsection (c) to be relieved altogether of the prohibition on in-region, interLATA service. And, of course, BOCs have been required by law for nearly three years to undertake most of the actions necessary to make such a showing. Accordingly, interLATA relief should be used to benefit the public, not the BOCs, and should be limited in extent and duration to the minimum necessary to achieve the targeted public benefit.

VII. Conclusion

The Telecommunications Resellers Association urges the Commission to adopt rules governing the provision by incumbent LECs of advanced telecommunications services consistent with the foregoing comments.

Respectfully submitted,

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